

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Rodney Sansbury,)	Civil Action No. 3:11-cv-01653-RMG
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Lt. Riley, Sheriff H. Wayne Dewitt, Sgt.)	
Sanders, John Doe, Medical Nurse, all of)	
Hill Finklea Center,)	
Defendants.)	
)	

Plaintiff originally brought this *pro se* action in the Count of Common Pleas for Berkeley County, South Carolina. On July 8, 2011, Defendants removed the case to this Court. (Dkt. No. 1). Pursuant to the provisions of 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2), DSC, the case was automatically referred to the United States Magistrate Judge for all pretrial proceedings and a Report and Recommendation. On July 15, 2011, Defendants filed a motion to dismiss. (Dkt. No. 6). On July 18, 2011, the Magistrate Judge issued an Order carefully explaining the deadline for responding to the motion to dismiss and the consequences for failing to do so. (Dkt. No. 7). Nevertheless, Plaintiff failed to respond to the motion to dismiss. On September 6, 2011, the Magistrate Judge issued a second Order asking the Plaintiff to advise the Court as to whether he wished to continue pursuing the case and, if so, to file a response to Defendants' motion to dismiss within fifteen days from the date of the Order. (Dkt. No. 14). Again, Plaintiff failed to respond to the Court's Order.

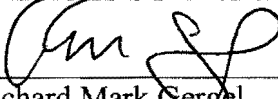
On September 26, 2011, the Magistrate Judge issued a Report and Recommendation recommending that Plaintiff's action be dismissed with prejudice for lack of prosecution. (Dkt. No. 17). Plaintiff's deadline to file objections to the

Magistrate Judge's Report and Recommendation was October 14, 2011. Plaintiff did not file any objections to the Report and Recommendation. It appears that the Plaintiff no longer wishes to pursue this matter. As a result, this Court adopts the Magistrate Judge's Report and Recommendation as the order of this Court and incorporates it herein.

Conclusion

Accordingly, the Complaint is **DISMISSED** with prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982).

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

October 20, 2011
Charleston, South Carolina